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REMARKS

Claims 1-3, 5-6, and 8 have been amended. Claims 1-8 remain pending.
Reconsideration and reexamination, as amended, are requested.

The Examiner objected to claim 3. The Examiner's comments have been considered and claim 3 has been corrected.

The Examiner rejected claims 1-4 under 35 U.S.C. 102(b) as being anticipated by Yamaguchi '678.

Yamaguchi discloses front and rear frame structures and an engine (shown only in broken lines in the figures) as forming a frame together. The engine of Yamaguchi is not discussed and only shows in the figures apparently a case, a cylinder block, and a cylinder head apparently joined together.

Claim 1 requires "said upper portion of said case being in unity with one of said cylinder block and said cylinder head to form a part of the body frame". Yamaguchi does not disclose a part which is formed to function as both the case and either the cylinder block or the cylinder head. That is, Yamaguchi does not disclose such "part". Therefore, Yamaguchi cannot anticipate claim 1 and the claims which depend from it.

The Examiner also rejected claims 5-8 under 35 U.S.C. 103(a) as being obvious on consideration of Yamaguchi in view of Ito '071.

As pointed out above, Yamaguchi does not disclose substantially all that is claimed. Furthermore, Ito does not teach or point to structure that would lead one to modify Yamaguchi in a way which would result in the invention as specified in claims 5-8. Yamaguchi discloses front and rear frame structures comprising a plurality of struts. Ito shows main frames 51 with sub-frames 57 wherein "The sub-frames 57 are generally in an asymmetric v-like shape in a side view." Column 4, lines 9-10. These references

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do not point to frame members as specified by claims 5-6 which require "said front frame has a middle portion which is convex upward and rearward and in a side view said front frame overlaps the cylinder head ..." A "v-shape" in side view is not and does not point to "a middle portion which is convex upward and rearward". The structure which is not disclosed and not pointed to by the references leads to advantages as recognized and discussed in the specification at page 2, lines 2-10 and 22-26, which read as follows:

According to the invention, the lower portion of the front frame is joined to the cylinder portion which is integral with the case. Thus, force from the front frame is applied to the case side and is difficult to be applied to the cylinder head side. Therefore, the cylinder head is not easily distorted and strength required in the cylinder head can be reduced accordingly. Moreover, since the front frame is joined to the cylinder block in the upper portion of the case, the length of the front frame can be reduced as much as possible. Consequently, the size of the cylinder head is reduced so that the weight of the engine is reduced, and the center of gravity can be lowered. Furthermore, weight reduction of the body can be realized.

...

Finally, in the side view, the front frame is bent to be convex upward and rearward and overlaps the cylinder head. Thus, when the radiator is placed in front of the engine, even if the cylinder head is placed in the vicinity of the radiator, it is possible to allow the front frame not to interfere with the radiator. Therefore, a degree of freedom for placing the radiator in a space under the front frame can be increased.

Thus, the references do not disclose or point to the structure as claimed. The differences in structure lead to non-trivial advantages. Claims 5-8 are non-obvious over Yamaguchi in view of Ito.

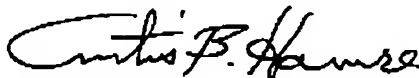
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In view of the above, it is submitted that the application is in condition for allowance. Reconsideration and reexamination are requested. Allowance of claims 1-8 at an early date is solicited.

Respectfully Submitted,

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